

Fees, Costs, & Assessments District / Municipal Court

Effective October 1, 2003

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Introduction

- Original Concept: Collapse fees distributed to state
- Changes Effective October 1, 2003
- 2003 Public Acts 70-79, 95-102, 138
- SCAO Administrative Memorandum 2003-08, August 6, 2003

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Criminal Traffic Distribution

Current Distribution of Criminal & Traffic Fees to State



- | | |
|--|---|
| <input type="checkbox"/> Highway Safety Fund | <input type="checkbox"/> Jail Reimbursement |
| <input type="checkbox"/> MJTF | <input type="checkbox"/> Legislative Retirement |
| <input type="checkbox"/> State Court Fund | <input type="checkbox"/> Court Equity Fund |
| <input type="checkbox"/> Forensic Fee | <input type="checkbox"/> DNA Fee |
| <input type="checkbox"/> Secondary Road Patrol | |

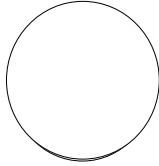
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Justice System Assessment



New Justice System Assessment

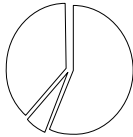


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Civil Fee Distribution



Current Distribution of Civil Fees to State



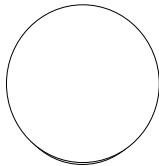
- ☐ State Court Fund
- ☐ Community Dispute Resolution
- ☐ Judges Retirement

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Civil Filing Fee Fund



New Justice System Assessment



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Forensic Fee and DNA Sample Assessments



- October 1, 2003 do NOT assess.
- Assessments ordered prior to October 1, 2003:
 - ✓ Collect the amount ordered
 - ✓ Transmit to the Justice System Fund

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Misdemeanor State Cost



October 1, 2003:

- Specified and Serious Misdemeanors: increase from \$9 to \$45*
- All other misdemeanors increase from \$9 to \$40.
- Deposit \$9 (old cases), \$40 and \$45 to the Justice System Fund

*Also assess and collect \$50 Crime Victim Fee.

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Condition of Probation MCL 771.3



Minimum state cost (\$40 or \$45)

- ✓ Condition of probation
- ✓ Stated on the order of probation.

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Partial Payment Priority MCL 775.22



50% of every payment to Crime Victim Fee and Restitution

Balance applied in following order:

- ✓ Minimum state cost (\$40 or \$45)
- ✓ Other costs
- ✓ Fine
- ✓ Probation supervision
- ✓ Other assessments or payments

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Civil Infractions State Cost and Other Assessments



Do NOT assess beginning October 1, 2003:

- ✓ \$9 state minimum cost
- ✓ \$5 Michigan Justice Training assessment
- ✓ \$5 Highway Safety Fund assessment
- ✓ \$5 Jail Reimbursement assessment
- ✓ \$10 Secondary Road Patrol assessment

Cases with judgments prior to October 1, 2003:

- ✓ collect amount ordered
- ✓ transmit to Justice System Fund

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Civil Infractions Without Judgment on October 1, 2003



Delete assessments not applicable.

Add new assessments as applicable:

Traffic (Michigan Vehicle Code or
substantially corresponding local ordinance)

- ✓ \$40 justice system assessment

Non-traffic

- ✓ \$10 justice system assessment

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Seat Belt MCL 257.907



Seat Belt Violation:

Fine and cost	\$25
Justice system assessment	<u>\$40</u>
Total	\$65

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No Proof of Insurance MCL 257.328



No Proof of Insurance, Current Proof Provided:

Fine and cost	\$1-10*
No proof assessment	<u>\$25</u>
Total	\$26-35 minimum

*If fine + cost exceed \$10, add \$40 justice system assessment.

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Civil Filing Fees



Commencement of Action—General Civil and Small Claims MCL 600.8371, 600.8420

<u>Amount in controversy</u>	<u>Current</u>	<u>October 1, 2003</u>
Does not exceed \$600	\$ 17	\$ 25
>\$600 - \$1,750	\$ 32	\$ 45
>\$1,750 - \$3,000	\$ 32	\$ 65
>\$1,750 - \$10,000	\$ 52	\$ 65
>\$10,000	\$100	\$150

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Landlord Tenant Actions



Commencement of Action—Landlord Tenant MCL 600.5756

	<u>Current</u>	<u>October 1, 2003</u>
Complaint for Possession	\$ 32	\$ 45
Supplemental Complaint for Money Judgment:		
Does not exceed \$600	\$ 17	\$ 25
>\$600 - \$1,750	\$ 32	\$ 45
>\$1,750 - \$10,000	\$ 52	\$ 65
>\$10,000	\$100	\$150

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Claim & Delivery



Commencement of Action—Claim & Delivery MCL 600.8371(8)

	<u>Current</u>	<u>October 1, 2003</u>
Complaint for Possession	\$ 52	\$ 65
Supplemental Complaint for Money Judgment:		
Does not exceed \$600	\$ 17	\$ 25
>\$600 - \$1,750	\$ 32	\$ 45
>\$1,750 - \$10,000	\$ 52	\$ 65
>\$10,000	\$100	\$150

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Motion Fee



Motion Fee MCL 600.8371(10)

	<u>Current</u>	<u>October 1, 2003</u>
Claims over \$10,000	\$ 20	
All Civil, including Small Claims		\$ 20
➤No motion fee on civil infractions		

Includes motions, petitions, applications, and other requests for orders in a pending action filed with the court. MCR 2.119(G)

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Distribution of Civil Filing Fees

Distribution of Civil Filing Fees
MCL 600.8371, 600.5756, 600.8420

<u>Fee Amount</u>	<u>District Funding Unit</u>	<u>State</u>
\$ 25	\$ 11	\$ 14
\$ 45	\$ 17	\$ 28
\$ 65	\$ 23	\$ 42
\$150	\$ 31	\$119

Distribution applies to all fees regardless of type of claim.

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Future Filing Fee Decrease

October 1, 2005 decrease in filing fees:

<u>Amount in controversy</u>	<u>Oct 1, 2003</u>	<u>Oct 1, 2005</u>
Does not exceed \$600	\$ 25	\$ 20
>\$600 - \$1,750	\$ 45	\$ 40
>\$1,750 - \$3,000	\$ 65	\$ 60
>\$1,750 - \$10,000	\$ 65	\$ 60
>\$10,000	\$150	\$150
Claim & Delivery	\$ 65	\$ 60

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Transmittal of Money

*Please see presentation
by Rebecca Mack*

Review



Effective October 1, 2003

- Eliminate assessment of:
 - ✓ Forensic Fee
 - ✓ DNA assessment
 - ✓ Traffic civil infraction \$9(\$5/4) state cost & \$5/5/10
- Civil Infractions: assess \$10 or \$40 Justice System Assessment

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Review



Effective October 1, 2003

- Increase misdemeanor state minimum cost: \$9 → \$40 or \$45
- Require state minimum cost as condition of probation
- Amend priority of payment for partial payments
- Change civil filing fee amounts and distribution

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Questions



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